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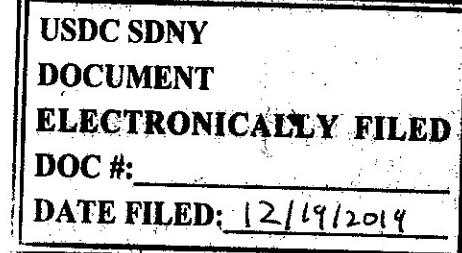
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December 19, 2019

VIA ECF AND HAND-DELIVERY

Honorable Lewis A. Kaplan
United States District Judge
Southern District of New York
500 Pearl Street, Courtroom 21B
New York, NY 10007-1312



Re: **United States v. Jones et al., S4 17 Cr. 791**

Dear Judge Kaplan:

We respectfully submit this letter motion on behalf of Defendants Theryn Jones and Arius Hopkins to seek an extension to file Mr. Jones' and Mr. Hopkins' post-trial motions pursuant to Federal Rules of Criminal Procedure 29 and 33.

Rule 29 provides that “[a] defendant may move for a judgment of acquittal, or renew such a motion, within 14 days after a guilty verdict or after the court discharges the jury, whichever is later.” Fed. R. Crim. P. 29(c)(1). Similarly, Rule 33 provides that “[a]ny motion for a new trial grounded on any reason other than newly discovered evidence must be filed within 14 days after the verdict or finding of guilty.” Fed. R. Crim. P. 33(b)(2). Rule 45 allows the Court to extend the 14-day deadlines under Rules 29 and 33 upon a defendant’s motion made, *inter alia*, “before the originally prescribed or previously extended time expires.” Fed. R. Crim. P. 45(b)(1)(A); *see also United States v. Midyett*, No. 07-CR-874(KAM), 2010 WL 1992191, at *1 (E.D.N.Y. May 14, 2010).

Following the jury verdict on December 17, Mr. Jones and Mr. Hopkins requested a 60-day deadline to file Rule 29 and 33 motions. Because the Court and defense counsel could not recall whether the 14-day deadline set forth in Rules 29 and 33 was extendable, the Court agreed to a 60-day deadline to file post-trial *briefs*, and Mr. Jones and Mr. Hopkins agreed to file their post-trial *motions* within 14 days if they concluded it was necessary to do so. Having now determined that Rule 45 permits the Court to extend the deadlines to file Rule 29 and 33 motions, Mr. Jones and Mr. Hopkins seek clarification that the Court is formally extending the deadline to file post-trial motions, as well as briefs, to 60 days from the jury verdict.

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Consistent with the briefing schedule approved by the Court on December 17, Mr. Jones and Mr. Hopkins propose the below schedule for submitting post-trial motions and briefs.

Defendants' Post-Trial Motions/Briefs: February 18, 2020

Government's Response: March 19, 2020

Defendants' Reply: April 2, 2020

The government consents to this request and the proposed schedule.

Respectfully submitted,

QUINN EMANUEL URQUHART &
SULLIVAN, LLP

GLENN A. GARBER, P.C.

/s/ Marc L. Greenwald
Marc L. Greenwald

Counsel to Defendant Theryn Jones

/s/ Glenn A. Garber
Glenn A. Garber

Counsel to Defendant Arius Hopkins

cc: All counsel of record (by ECF)

*Granted
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